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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,011	03/25/2002	Kenneth James Bunker	7038-3011-001	5289

7590 02/26/2004

EXAMINER

Robert L Stearns

GRAHAM, MATTHEW C

Reising Ethington Barnes Kisselle

Learman & McCulloch

5291 Colony Drive North

Saginaw, MI 48603

ART UNIT

PAPER NUMBER

3683

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<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/089,011	BUNKER, KENNETH JAMES
	Examiner	Art Unit
	Matthew C Graham	3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 25 March 2002.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-13 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-13 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All   b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

1. Receipt is acknowledged of the amendment filed on 3-25-2002.
2. It is noted that Applicant has used the incorrect title "Sintered Steel Material" on the amendment and numerous IDS statements. Future correspondences should include the correct title of the invention to avoid confusion.
3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the hydraulic piston and cylinder mechanism must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. Claims 1-5, 7, 8, 10, 11 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 5 are each indefinite in the open-ended ambiguous term "or the like". Claims 1 and 5 are also each indefinite in the narrative recitation "said servo motor being less than the corresponding...". Claims 2-4, 7, 8, 10, 11 and 13 are each indefinite due to their dependency on claims 1 and 5. In addition, claim 13 is a duplicate of claim 8.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, 4, 5, 6, 8, 11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by either Carre et al or Ralea.

Both Carre et al. and Ralea show electrically applied multi-disc brakes.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3, 7, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carre et al in view of UK Publication 2,306,528 by Steiner et al.

The claimed invention differs from Carre et al. only in the use of a hydraulic cylinder and piston. Steiner et al. show a motor that operates a hydraulic piston and cylinder to operate the brakes.

It would have been obvious to one of ordinary skill in the art to utilize a hydraulic piston and cylinder with Carre et al. as a replacement for the wedging unit dependent on the type of vehicle so as to provide for anti-clock or anti-slip braking.

9. Any inquiry concerning this communication should be directed to Mathew Graham at telephone number (703) 308-1113.

Graham/kn  
September 23, 2003

*M. C. Graham*  
9/23/2003  
MATTHEW C. GRAHAM  
PRIMARY EXAMINER